

**RAYMOND AND RAYMOND**

**ATTORNEYS AT LAW**  
7 GLENWOOD AVENUE, 4<sup>th</sup> FLOOR, STE. 408  
EAST ORANGE, NEW JERSEY 07017

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**TELEPHONE: (973) 675-5622**  
**TELEFAX: (408) 519-6711**

ADDITIONAL OFFICE:  
416 RAHWAY AVENUE, ELIZABETH, NJ 07207

Herbert B. Raymond, ESQ.  
Jeffrey Raymond, ESQ.  
Kevin DeLyon, ESQ.

July 25, 2017

## **RESPONSE TO TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN**

IN RE: TONYA M. AGOSTO  
CASE # 17-19983-JKS  
HEARING DATE : 07-27-2017

Please accept this letter as my reply to the trustee's objection to conformation of the case and plan.

- \* The debtor has supplied proof of child support income per the trustee's request.
- \* The debtor has supplied a current pay-stub per the trustee's request.
- \* The debtor does currently have a retirement pension loan that she is currently re-paying. The repayment ends in November 2017, estimated. The debtor did indicate, on the petition, that the pension loan was not deducted from her wages because it would end shortly after the filing of the petition. Despite the pension loan the debtor believes she can fund the plan and post-petition payments. The debtor had one mortgage payment saved prior to filing of the petition. The debtor will also receive additional funds since June 2017 and September 2017 have five weeks which would yield another pay-stub and additional wages. The petition and budget are reflective of the debtor's true budget since the pension loan will end shortly and the plan will continue for a sixty month period.
- \* The debtor has already paid the June 2017 trustee payment. She will make the July 2017 payment by the end of the week. The debtor has also made all post-petition mortgage payments and other required post-petition payments.
- \* The debtor is single mother of two minor children. The debtor is experiencing hardships and filed a bankruptcy petition for relief and assistance. The debtor has also submitted a petition in good faith. The debtor deserves the opportunity to proceed with a plan that portrays her current income and expenses.

For the above reasons, the debtor's chapter 13 plan should be confirmed by the court as proposed. The trustee's objection should be denied.

Submitted by,

/s/ Herbert B. Raymond, ESQ  
HERBERT B. RAYMOND, ESQ. HR#1379  
Counsel for TONYA M. AGOSTO

Fill in this information to identify your case:

Debtor 1 Tonya M Agosto

Debtor 2  
(Spouse, if filing) \_\_\_\_\_

United States Bankruptcy Court for the: DISTRICT OF NEW JERSEY

Case number 17-19983  
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Employment status

Debtor 1

- ☒ Employed
- ☐ Not employed

Debtor 2 or non-filing spouse

- ☐ Employed
- ☐ Not employed

Occupation

Senior Corrections Officer

Include part-time, seasonal, or self-employed work.

Employer's name

State of New Jersey

Occupation may include student or homemaker, if it applies.

Employer's address

NJ Department of Corrections  
Edna Mahan Correctional Facility  
30 Route#513  
Clinton, NJ 08809

How long employed there? 16 Years

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ <u>6,892.67</u>	\$ <u>N/A</u>
3. Estimate and list monthly overtime pay.	+\$ <u>0.00</u>	+\$ <u>N/A</u>
4. Calculate gross income. Add line 2 + line 3.	\$ <u>6,892.67</u>	\$ <u>N/A</u>

Debtor 1 **Tonya M Agosto**

Case number (if known) **17-19983**

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ <b>6,892.67</b>	\$ <b>N/A</b>
<b>5. List all payroll deductions:</b>		
5a. Tax, Medicare, and Social Security deductions	5a. \$ <b>821.15</b>	\$ <b>N/A</b>
5b. Mandatory contributions for retirement plans	5b. \$ <b>689.26</b>	\$ <b>N/A</b>
5c. Voluntary contributions for retirement plans	5c. \$ <b>0.00</b>	\$ <b>N/A</b>
5d. Required repayments of retirement fund loans	5d. \$ <b>0.00</b>	\$ <b>N/A</b>
5e. Insurance	5e. \$ <b>509.17</b>	\$ <b>N/A</b>
5f. Domestic support obligations	5f. \$ <b>0.00</b>	\$ <b>N/A</b>
5g. Union dues	5g. \$ <b>122.72</b>	\$ <b>N/A</b>
5h. Other deductions. Specify:	5h. \$ <b>0.00</b>	\$ <b>N/A</b>
<b>6. Add the payroll deductions.</b> Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ <b>2,142.30</b>	\$ <b>N/A</b>
<b>7. Calculate total monthly take-home pay.</b> Subtract line 6 from line 4.	7. \$ <b>4,750.37</b>	\$ <b>N/A</b>
<b>8. List all other income regularly received:</b>		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ <b>0.00</b>	\$ <b>N/A</b>
8b. Interest and dividends	8b. \$ <b>0.00</b>	\$ <b>N/A</b>
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ <b>316.00</b>	\$ <b>N/A</b>
8d. Unemployment compensation	8d. \$ <b>0.00</b>	\$ <b>N/A</b>
8e. Social Security	8e. \$ <b>0.00</b>	\$ <b>N/A</b>
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify:	8f. \$ <b>0.00</b>	\$ <b>N/A</b>
8g. Pension or retirement income	8g. \$ <b>0.00</b>	\$ <b>N/A</b>
8h. Other monthly income. Specify: <b>Income Tax refund ( average over 12 months) , estimated</b>	8h. \$ <b>30.00</b>	\$ <b>N/A</b>
<b>9. Add all other income.</b> Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ <b>346.00</b>	\$ <b>N/A</b>
<b>10. Calculate monthly income.</b> Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ <b>5,096.37</b>	\$ <b>N/A</b>
<b>11. State all other regular contributions to the expenses that you list in Schedule J.</b> Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify:		
	11. +\$ <b>0.00</b>	
<b>12. Add the amount in the last column of line 10 to the amount in line 11.</b> The result is the combined monthly income. Write that amount on the <i>Summary of Schedules</i> and <i>Statistical Summary of Certain Liabilities and Related Data</i> , if it applies	12. \$ <b>5,096.37</b>	<b>Combined monthly income</b>
<b>13. Do you expect an increase or decrease within the year after you file this form?</b>		
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: <b>Debtor does receive a minimal amount of over-time wages which are flexible and not consistent. Debtor has realized a reduction in over-time wages by her employer due to cost savings. Debtor's pension loan to end in the next 90 days ( not deducted from wages). Debtor expects net income to increase in the next twelve months due to regular wage increases and reduction in expenses.</b>		

**Fill in this information to identify your case:**

Debtor 1 Tonya M Agosto

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: DISTRICT OF NEW JERSEY

Case number 17-19983  
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

\_\_\_\_\_  
MM / DD / YYYY

**Official Form 106J**

**Schedule J: Your Expenses**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Your Household**

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☐ No

Do not list Debtor 1 and Debtor 2.

☒ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

Daughter

10 Years

☐ No

☒ Yes

Daughter

17 Years

☐ No

☒ Yes

☐ No

☐ Yes

☐ No

☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☐ No ☒ Yes

**Part 2: Estimate Your Ongoing Monthly Expenses**

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

**Your expenses**

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 1,708.14

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 120.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Tonya M Agosto**

Case number (if known) **17-19983**

6. **Utilities:**

6a. Electricity, heat, natural gas	6a. \$	315.00
6b. Water, sewer, garbage collection	6b. \$	70.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	315.00
6d. Other. Specify: <b>ADT Security System</b>	6d. \$	33.00

**Garbage Collection**

\$ 26.00

7. **Food and housekeeping supplies**

7. \$ 685.00

8. **Childcare and children's education costs**

8. \$ 400.00

9. **Clothing, laundry, and dry cleaning**

9. \$ 95.00

10. **Personal care products and services**

10. \$ 150.00

11. **Medical and dental expenses**

11. \$ 50.00

12. **Transportation.** Include gas, maintenance, bus or train fare.  
Do not include car payments.

12. \$ 355.00

13. **Entertainment, clubs, recreation, newspapers, magazines, and books**

13. \$ 0.00

14. **Charitable contributions and religious donations**

14. \$ 150.00

15. **Insurance.**

Do not include insurance deducted from your pay or included in lines 4 or 20.

15a. Life insurance 15a. \$ 81.00

15b. Health insurance 15b. \$ 0.00

15c. Vehicle insurance 15c. \$ 140.00

15d. Other insurance. Specify: 15d. \$ 0.00

16. **Taxes.** Do not include taxes deducted from your pay or included in lines 4 or 20.  
Specify:

16. \$ 0.00

17. **Installment or lease payments:**

17a. Car payments for Vehicle 1 17a. \$ 0.00

17b. Car payments for Vehicle 2 17b. \$ 0.00

17c. Other. Specify: **US Dept. of Education ( No regular payments)** 17c. \$ 0.00

17d. Other. Specify: **Navient Loans ( No regular payments)** 17d. \$ 0.00

18. **Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).** 18. \$ 0.00

19. **Other payments you make to support others who do not live with you.** \$ 0.00  
Specify: 19.

20. **Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.**

20a. Mortgages on other property 20a. \$ 0.00

20b. Real estate taxes 20b. \$ 0.00

20c. Property, homeowner's, or renter's insurance 20c. \$ 0.00

20d. Maintenance, repair, and upkeep expenses 20d. \$ 0.00

20e. Homeowner's association or condominium dues 20e. \$ 0.00

21. **Other:** Specify: 21. +\$ 0.00

22. **Calculate your monthly expenses**

22a. Add lines 4 through 21.

\$ 4,693.14

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

\$

22c. Add line 22a and 22b. The result is your monthly expenses.

\$ 4,693.14

23. **Calculate your monthly net income.**

23a. Copy line 12 (your combined monthly income) from Schedule I. 23a. \$ 5,096.37

23b. Copy your monthly expenses from line 22c above. 23b. -\$ 4,693.14

23c. Subtract your monthly expenses from your monthly income.  
The result is your *monthly net income*.

23c. \$ 403.23

24. **Do you expect an increase or decrease in your expenses within the year after you file this form?**

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.

☐ Yes.

Explain here: **Debtor is currently paying for after-care and baby-sitting for younger daughter.  
Debtor has stopped all regular payments as to student loan obligations.**